## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: CHOCOLATE : MDL DOCKET NO. 1935

CONFECTIONARY ANTITRUST : (Civil Action No. 1:08-MDL-1935)

LITIGATION

(Judge Conner)

THIS DOCUMENT APPLIES TO:

:

**ALL CASES** 

## **ORDER**

AND NOW, this 18th day of November, 2008, upon consideration of plaintiffs' motion (Doc. 458) for resolution of preliminary discovery issues, and it appearing that the court has not yet approved a protective order or an electronic discovery protocol, that counsel for the direct purchasers and individual plaintiffs recommend that consultation among the parties and the Government of Canada may aid in the resolution of the discovery dispute regarding documents produced by defendants to the Canadian government, (see Doc. 500 at 5-6, Doc. 504 at 1), and that resolution of these issues is a necessary prerequisite to discovery in this matter, it is hereby ORDERED that:

- 1. **Negotiation of Discovery Procedures.** Discovery procedures shall be negotiated by the parties in accordance with the following procedures:
  - a. Counsel for plaintiffs and for defendants shall meet and confer to formulate a proposed comprehensive protective order and a separate proposed electronic discovery protocol.
  - b. The parties shall submit a proposed protective order and electronic discovery protocol for court approval promptly upon completion of negotiations.

- c. On or before December 12, 2008, counsel shall submit a joint status report regarding the progress of negotiations via facsimile at (717) 221-3949. No report shall be required if the court approves a comprehensive protective order and electronic discovery protocol before this date.
- 2. **Resolution of the Discovery Objections Lodged by the Government of Canada.** The objections of the Government of Canada to plaintiffs' request for production of documents shall be addressed in accordance with the following procedures:
  - a. Counsel for the parties and for the Government of Canada shall meet and confer to resolve, insofar as practicable, the Canadian government's objections to the plaintiffs' discovery requests attached to the motion for resolution of preliminary discovery issues. (See Doc. 458-3.)
  - b. On or before December 12, 2008, counsel shall submit a joint status report regarding the progress of negotiations via facsimile at (717) 221-3945. The report shall identify those production requests to which the Canadian government objects and shall specify whether the objection pertains to the entirety of the production request or to a portion thereof. The report shall briefly describe the grounds for each objection and shall certify whether negotiations have concluded or whether continued discussions would likely aid the resolution of the discovery dispute.
- 3. **Disposition of the Motion for Resolution of Preliminary Discovery Issues**. No ruling shall issue on the motion (Doc. 490) for resolution of preliminary discovery issues prior to approval of a comprehensive stipulated protective order and electronic discovery protocol.

S/ Christopher C. Conner CHRISTOPHER C. CONNER United States District Judge